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8 *Trustee for the Certificateholders of*
9 *Structured Asset Mortgage Investments II,*
10 *Inc., Bear Stearns ALT-A Trust, Mortgage*
11 *Pass-Through Certificates Series 2006-6 and*
12 *Mortgage Electronic Registration Systems,*
13 *Inc.*

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 CITIBANK, N.A. AS TRUSTEE FOR THE
14 CERTIFICATEHOLDERS OF
15 STRUCTURED ASSET MORTGAGE
16 INVESTMENTS II, INC., BEAR
17 STEARNS ALT-A TRUST, MORTGAGE
18 PASS-THROUGH CERTIFICATES
19 SERIES 2006-6

20 Plaintiff,

21 vs.

22 SFR INVESTMENTS POOL 1, LLC, a
23 Nevada non-profit corporation; SEVILLE
24 ETAGE HOMEOWNERS ASSOCIATION,
25 a Nevada non-profit corporation,

26 Defendants.

27 SFR INVESTMENTS POOL 1, LLC, a
28 Nevada limited liability company,

Counter/Cross Claimant

vs.

CITIBANK, N.A. AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF
STRUCTURED ASSET MORTGAGE
INVESTMENTS II, INC., BEAR

Case No. 2:16-cv-02766-JCM-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES**

(SECOND REQUEST)

1 STEARNS ALT-A TRUST, MORTGAGE
2 PASS-THROUGH CERTIFICATES
3 SERIES 2006-6; MORTGAGE
4 ELECTRONIC REGISTRATION
5 SYSTEMS, INC., AS NOMINEE FOR
6 REPUBLIC MORTGAGE, LLC DBA
7 REPUBLIC MORTGAGE; FRANKIE M.
8 ABENOJAR, an individual; JANE P.
9 ABENOJAR, an individual,

Counter/Cross Defendants/

10 Pursuant to Fed. R. Civ. P. 26(a)(2) and 6(b)(a)(1)(A) and LR 26-4, Plaintiff,
11 Citibank, N.A. as Trustee for the Certificateholders of Structured Asset Mortgage
12 Investments II, Inc., Bear Stearns ALT-A Trust, Mortgage Pass-Through
13 Certificates Series 2006-6 and Mortgage Electronic Registration Systems, Inc.
14 (“Trustee”), Defendant SFR Investment Pools 1, LLC (“SFR”), and Defendant
15 Seville Etage Homeowners Association (the “Association”) (together, the “Parties”)
16 hereby submit the following Stipulation and Order to Extend Discovery Deadlines
17 (Second Request).

18 Under the Discovery Plan and Scheduling Order [ECF No. 33], as amended
19 by the signed Stipulation and Order to Extend Discovery Deadlines [ECF No. 42.]
20 the current deadlines are as follows:

Discovery Cut-Off	Tuesday, January 2, 2018
Dispositive Motions	Thursday, February 1, 2018
Joint Pre-Trial Order	Thursday, March 1, 2018

21 Pursuant to LR 26-4, a stipulation to extend any dates set by the scheduling
22 order must be supported by a showing of good cause for the extension. “The good
23 cause inquiry focuses primarily on the movant's diligence.” *Novotny v. Outback*
24 *Steakhouse of Fla., LLC*, 2017 U.S. Dist. LEXIS 114672 at *2 (D. Nev. July 21,
25 2017) (citing *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294-95 (9th Cir. 2000)).
26 “Good cause to extend a discovery deadline exists ‘if it cannot reasonably be met
27
28

1 despite the diligence of the party seeking the extension.” *Id.* (quoting *Johnson v.*
2 *Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). Good cause exists
3 in this case. All of the Parties have exercised diligence with regards to completing
4 discovery. The Parties believe that a 60-day extension is warranted given the need
5 to take, defend, and prepare for the deposition of the Trustee’s 30(b)(6) witness.

6 **(a) Statement Specifying the Discovery Completed;**

7 At this point in litigation, Trustee has provided its initial disclosures, issued
8 supplemental initial disclosures, responded to SFR’s first and second set of
9 discovery requests, served and received responses to written discovery requests to
10 all Parties, and noticed the 30(b)(6) deposition of SFR’s chosen witness.

11 SFR has provided its initial disclosures and served and received responses to
12 written discovery requests to the Trustee, served a second round of written
13 discovery on the Trustee on September 29, 2017. SFR took the deposition of the
14 Trustee’s 30(b)(6) witness on December 6, 2017, but left the deposition open because
15 the Trustee had been unable to obtain certain documents about which SFR sought
16 information in advance of the noticed deposition. The parties rescheduled the
17 deposition of the Trustee’s 30(b)(6) witness for December 19, 2017. Though the
18 Trustee was able to obtain the requested documents by that date, it was unable to
19 complete its investigation about the contents of the documents by that date so as to
20 be able to respond to SFR’s questions. Accordingly, the Parties agreed to vacate the
21 deposition of the Trustee’s 30(b)(6) witness and reschedule at a later date once the
22 Trustee is able to obtain the requested information. Unfortunately, the Parties
23 were unable to find a date where counsel and the witness had availability before the
24 current close of discovery.

25 The Association has served its initial disclosures and served written
26 discovery requests to the Trustee.

27 **(b) Specific Description of the Discovery that Remains to be Completed**
28

Once Trustee finalizes its responses to written discovery requests issued by the HOA, the Trustee needs to provide these responses.

The 30(b)(6) deposition of the Trustee's chosen witness needs to be continued to a later date because SFR has asked for the witness to be prepared to answer questions about the content and context of certain documents, and the Trustee has agreed to investigate and attempt to obtain this information in advance of the 30(b)(6) deposition. Given witness and counsel availability, such an extension will require at a minimum a 30-day extension of discovery, and to be sure the relevant schedules can be accommodated, the Parties would prefer a 60-day extension of the close of discovery.

(c) The Reasons Why Remaining Discovery Was Not Completed

Despite their diligence in completing discovery in this case, the Parties have been unable to arrive at a mutually agreeable deposition date for the continued deposition of the Trustee's 30(b)(6) witness due to trial demands and depositions in other matters. Additionally, the Trustee requires additional time to investigate and obtain the information about which SFR seeks to ask questions. The Parties believe an additional 60 days will provide adequate time to conduct the depositions of Trustee's 30(b)(6) witness.

(d) Proposed Schedule for Completing All Remaining Discovery

The Parties propose a 60-day extension of the remaining discovery dates as follows:

Discovery Cut-Off	Monday, March 5, 2018
Dispositive Motions	Wednesday, April 4, 2018
Joint Pre-Trial Order	Friday, May 4, 2018

CONCLUSION

For the above-stated reasons, the Parties respectfully request that this Court enter an Order granting this Stipulation and Order to Extend Discovery Deadlines (Second Request) using the new deadlines noted above.

Dated: January 2, 2018.

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: 1-4-2018